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May 13, 2025

VIA ECF

Hon. Jennifer L. Rochon  
 Southern District of New York  
 500 Pearl Street, Room 1920  
 New York, NY 10007

**RE: *Clarke v. Chow, et al.*, No. 1:25-cv-03268 (S.D.N.Y.)**  
***Hurlock v. Kelsier Ventures et al.*, 1:25-cv-03891 (S.D.N.Y.)**

Dear Judge Rochon,

We represent Defendant Benjamin Chow in the above-referenced matters,<sup>1</sup> and write on behalf of Mr. Chow and Plaintiffs in both actions pursuant to Section 1.F of Your Honor's Individual Rules of Practice in Civil Cases to respectfully propose a schedule for further proceedings in these actions.

On April 19, 2025, Plaintiffs Jonathan Clarke and Rodrigo Ferreira da Cruz Vogt commenced an action by filing a complaint in this Court alleging, *inter alia*, violations of the Securities Act of 1933 and the Securities Exchange Act of 1934. On March 17, 2025, Plaintiff Omar Hurlock commenced an action by filing a complaint alleging statutory and common law claims under New York law in the Supreme Court of New York for the County of New York. Mr. Chow timely removed the *Hurlock* action to this Court on May 9, 2025. Mr. Chow has agreed to accept service of the summons and complaints in both actions while reserving his rights to assert any and all defenses in the matters, including, but not limited to, lack of personal or subject matter jurisdiction, lack of standing, improper venue, and that the claims asserted are subject to

<sup>1</sup> The *Hurlock* action has been referred to Your Honor as related to the *Clarke* action, but has not yet been assigned.

arbitration.

On April 25, 2025, in the *Clarke* action, the Court entered an order consistent with the Private Securities Litigation Reform Act of 1995 (“PSLRA”) requiring that any members of the purported class move the Court to serve as Lead Plaintiff by June 23, 2025, and that any oppositions be filed by July 7, 2025. (No. 1:25-cv-03268-JLR, Dkt. 19.) The Court also scheduled a conference to consider any motions for appointment of Lead Plaintiff and Lead Counsel and for consolidation on July 17, 2025, at 12:00 p.m. (*Id.*)

Mr. Chow’s current deadline to respond to the *Hurlock* complaint is May 16, 2025. *See* Fed. R. Civ. P. 81(c)(2).

We have conferred with counsel for Plaintiffs, and Mr. Chow and Plaintiffs respectfully request that the Court adjourn Mr. Chow’s time to move, answer, or otherwise respond to the complaints in both cases and adopt the schedule set forth below in both actions (and any future consolidated action in the event that any related complaints are filed):

- Hurlock and Lead Plaintiff shall each file an amended complaint within 60 days after the Court’s appointment of Lead Plaintiff and Lead Counsel in the *Clarke* action;
- Mr. Chow’s deadline to move, answer, or otherwise respond to the amended complaints in both actions shall be 60 days after the filing of the amended complaints;
- Lead Plaintiff’s and Hurlock’s oppositions to Mr. Chow’s motions to dismiss, if any, shall be filed within 60 days after the filing of Mr. Chow’s motions to dismiss; and
- Mr. Chow’s replies in further support of his motions to dismiss, if any, shall be filed within 30 days after the filing of Lead Plaintiff’s and Hurlock’s oppositions.

Although the claims alleged in the *Hurlock* action are not governed by the PSLRA, Plaintiffs and Mr. Chow agree that it would be most efficient and convenient for the Court to consider the claims together because of the similarities among the underlying factual and legal issues. For that reason, the parties respectfully request that the Court stay discovery in the *Hurlock* action pending resolution of the motions to dismiss, so that the Court may coordinate discovery in both matters.

CAHILL GORDON & REINDEL LLP

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This is the parties' first request for an adjournment.

Respectfully submitted,



Sheila C. Ramesh

cc: All attorneys via ECF